

AMENDED IN SENATE APRIL 3, 2003

SENATE BILL

No. 984

Introduced by Senator Scott

February 21, 2003

An act to amend Sections 7950, 8708, and 8709 of the Family Code, and to amend ~~Sections 15100 and 15763~~ *Section 15100* of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 984, as amended, Scott. Dependent children: Welfare Advance Fund payments: ~~adult protective services~~.

(1) Existing law requires agencies responsible for the placement of foster children, or the placement of foster children for adoption, to take into consideration specified matters in placing those children.

The Indian Child Welfare Act establishes requirements regarding the custody of children covered by that act.

This bill would provide that these provisions shall not be construed to affect the application of the Indian Child Welfare Act.

(2) Existing law authorizes an agency placing a child in foster care, or the State Department of Social Services or licensed adoption agency to which a child has been freed for adoption, to consider specified matters relating to the cultural, ethnic, or racial background of the child, and the capacity of the prospective foster parents or adoptive parents, as appropriate, to meet the needs of the child.

This bill would eliminate those provisions.

(3) Existing law establishes various aid and medical assistance programs, also known as public assistance programs.

Existing law establishes in the State Treasury the Welfare Advance Fund, and provides that moneys in this revolving fund are to be appropriated for the purpose of making payments or advances to counties and the Employment Development Department with respect to specified programs.

This bill instead would provide that moneys in the fund are appropriated for the purpose of making payments or advances to counties, Indian tribes, the federal Social Security Administration, or other federal, state, or local governmental entities, of the state and federal shares of local assistance programs, and for the payment of refunds. It would also authorize the use of funds from the Welfare Advance Fund for the purpose of making a consolidated payment, comprised of the state and federal shares of local assistance costs, to any payee associated with programs administered by the State Department of Social Services.

Because this bill would permit moneys in this appropriated fund to be used for a new purpose, it would constitute an appropriation.

~~(4) Existing law requires each county to establish an emergency response adult protective services program, as specified.~~

~~This bill would provide that a county is not required to respond to a report pursuant to this program that involves danger to any elder or dependent adult residing in specified facilities for the incarceration of prisoners or facilities operated by the Department of Youth Authority.~~

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7950 of the Family Code is amended to
2 read:

3 7950. (a) With full consideration for the proximity of the
4 natural parents to the placement so as to facilitate visitation and
5 family reunification, when a placement in foster care is being
6 made, the following considerations shall be used:

7 (1) Placement shall, if possible, be made in the home of a
8 relative, unless the placement would not be in the best interest of
9 the child. Diligent efforts shall be made to locate an appropriate
10 relative. Before any child may be placed in long-term foster care,
11 each relative whose name has been submitted to the agency as a

possible caretaker, either by himself or herself or by other persons, shall be evaluated as an appropriate placement resource.

(2) No agency or entity that receives any state assistance and is involved in foster care placements may do either of the following:

(A) Deny to any person the opportunity to become a foster parent on the basis of the race, color, or national origin of the person or the child involved.

(B) Delay or deny the placement of a child into foster care on the basis of the race, color, or national origin of the foster parent or the child involved.

(b) Subdivision (a) shall not be construed to affect the application of the Indian Child Welfare Act (25 U.S.C. Sec. 1901 and following).

(c) Nothing in this section precludes a search for an appropriate relative being conducted simultaneously with a search for a foster family.

SEC. 2. Section 8708 of the Family Code is amended to read:

8708. (a) Neither the department nor a licensed adoption agency to which a child has been freed for adoption by either relinquishment or termination of parental rights may do any of the following:

(1) Deny to any person the opportunity to become an adoptive parent on the basis of the race, color, or national origin of the person or the child involved.

(2) Delay or deny the placement of a child for adoption on the basis of the race, color, or national origin of the adoptive parent or the child involved.

(3) Delay or deny the placement of a child for adoption solely because the prospective, approved adoptive family resides outside the jurisdiction of the department or the licensed adoption agency. For purposes of this paragraph, an approved adoptive family means a family approved pursuant to the California adoptive applicant assessment standards. If the adoptive applicant assessment was conducted in another state according to that state's standards, the California placing agency shall determine whether the standards of the other state substantially meet the standards and criteria established in California adoption regulations.

(b) This section shall not be construed to affect the application of the Indian Child Welfare Act (25 U.S.C. Sec. 1901 and following).

1 SEC. 3. Section 8709 of the Family Code is amended to read:
2 8709. (a) The department or licensed adoption agency to
3 which a child has been freed for adoption by either relinquishment
4 or termination of parental rights may consider the child's religious
5 background in determining an appropriate placement.

6 (b) This section shall not be construed to affect the application
7 of the Indian Child Welfare Act (25 U.S.C. Sec. 1901 and
8 following).

9 SEC. 4. Section 15100 of the Welfare and Institutions Code
10 is amended to read:

11 15100. A revolving fund in the State Treasury is hereby
12 created to be known as the Welfare Advance Fund. All moneys in
13 the fund are appropriated for the purpose of making payments or
14 advances to counties, Indian tribes, the federal Social Security
15 Administration, or other federal, state, or governmental entities, of
16 the state and federal shares of local assistance programs, and for
17 the payment of refunds. In addition, the fund may be used for the
18 purpose of making a consolidated payment, comprised of the state
19 and federal shares of local assistance costs, to any payee associated
20 with programs administered by the State Department of Social
21 Services.

22 Payments or advances of funds to counties, Indian tribes, the
23 federal Social Security Administration, or other federal, state, or
24 governmental entities, or to any payee, which payments or
25 advances are properly chargeable to appropriations made from
26 other funds in the State Treasury, may be made by Controller's
27 warrant drawn against the Welfare Advance Fund. For every
28 warrant so issued, the several purposes and amounts for which it
29 was drawn shall be identified for the payee.

30 The amounts to be transferred to the Welfare Advance Fund at
31 any time shall be determined by the department, and, upon order
32 of the Controller, shall be transferred from the funds and
33 appropriations otherwise properly chargeable therewith to the
34 Welfare Advance Fund.

35 Refunds of amounts disbursed from the Welfare Advance Fund
36 shall, on order of the Controller, be deposited in the Welfare
37 Advance Fund, and, on order of the Controller, shall be transferred
38 therefrom to the funds and appropriations from which the amounts
39 were originally derived. Claims for amounts erroneously paid into
40 the Welfare Advance Fund shall be submitted by the department

1 to the Controller who, if he or she approves the claims, shall draw
2 his or her warrant in payment thereof against the Welfare Advance
3 Fund.

4 All amounts increasing the cash balance in the Welfare Advance
5 Fund, which were derived from the cancellation of warrants issued
6 therefrom, shall, on order of the Controller, be transferred to and
7 in augmentation of the appropriations from which the amounts
8 were originally derived.

9 ~~SEC. 5. Section 15763 of the Welfare and Institutions Code~~
10 ~~is amended to read:~~

11 ~~15763. (a) Each county shall establish an emergency~~
12 ~~response adult protective services program that shall provide~~
13 ~~in-person response, 24 hours per day, seven days per week, to~~
14 ~~reports of abuse of an elder or a dependent adult, for the purpose~~
15 ~~of providing immediate intake or intervention, or both, to new~~
16 ~~reports involving immediate life threats and to crises in existing~~
17 ~~cases. The program shall include policies and procedures to~~
18 ~~accomplish all of the following:~~

19 ~~(1) Provision of case management services that include~~
20 ~~investigation of the protection issues, assessment of the person's~~
21 ~~concerns, needs, strengths, problems, and limitations, stabilization~~
22 ~~and linking with community services, and development of a~~
23 ~~service plan to alleviate identified problems utilizing counseling,~~
24 ~~monitoring, followup, and reassessment.~~

25 ~~(2) Provisions for emergency shelter or in-home protection to~~
26 ~~guarantee a safe place for the elder or dependent adult to stay until~~
27 ~~the dangers at home can be resolved.~~

28 ~~(3) Establishment of multidisciplinary teams to develop~~
29 ~~interagency treatment strategies, to ensure maximum coordination~~
30 ~~with existing community resources, to ensure maximum access on~~
31 ~~behalf of elders and dependent adults, and to avoid duplication of~~
32 ~~efforts.~~

33 ~~(b) (1) A county shall respond immediately to any report of~~
34 ~~imminent danger to an elder or dependent adult residing in other~~
35 ~~than a long-term care facility, as defined in Section 9701, or a~~
36 ~~residential facility, as defined in Section 1502 of the Health and~~
37 ~~Safety Code. For reports involving persons residing in a long-term~~
38 ~~care facility or a residential care facility, the county shall report to~~
39 ~~the local long-term care ombudsman program. Adult protective~~
40 ~~services staff shall consult, coordinate, and support efforts of the~~

~~ombudsman program to protect vulnerable residents. Except as specified in paragraph (2), the county shall respond to all other reports of danger to an elder or dependent adult in other than a long-term care facility or residential care facility within 10 calendar days or as soon as practicably possible.~~

~~(2) An immediate or 10-day in-person response is not required when the county, based upon an evaluation of risk, determines and documents that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult.~~

~~(3) The State Department of Social Services, in consultation with the County Welfare Directors Association, shall develop requirements for implementation of paragraph (2), including, but not limited to, guidelines for determining appropriate application of this section and any applicable documentation requirements.~~

~~(4) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement the requirements developed pursuant to paragraph (3) by means of all-county letters or similar instructions prior to adopting regulations for that purpose. Thereafter, the department shall adopt regulations in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(e) A county is not required to respond to a report pursuant to subdivision (b) that involves danger to any elder or dependent adult residing either in any facility for the incarceration of prisoners that is operated by, or under contract with, the Federal Bureau of Prisons, the Department of Corrections, any county sheriff's department, any city police department, or any other law enforcement agency, or in any facility operated by the Department of the Youth Authority, when the abuse reportedly has occurred in that facility.~~

~~(d) A county shall provide case management services to elders and dependent adults who are determined to be in need of adult protective services for the purpose of bringing about changes in the lives of victims and to provide a safety net to enable victims to protect themselves in the future. Case management services shall include the following, to the extent services are appropriate for the individual:~~

1 ~~(1) Investigation of the protection issues, including, but not~~
2 ~~limited to, social, medical, environmental, physical, emotional,~~
3 ~~and developmental.~~

4 ~~(2) Assessment of the concerns and needs of the person on~~
5 ~~whom the report has been made and the concerns and needs of~~
6 ~~other members of the family and household.~~

7 ~~(3) Analysis of problems and strengths.~~

8 ~~(4) Establishment of a service plan for each person on whom~~
9 ~~the report has been made to alleviate the identified problems.~~

10 ~~(5) Client input and acceptance of proposed service plans.~~

11 ~~(6) Counseling for clients and significant others to alleviate the~~
12 ~~identified problems and to implement the service plan.~~

13 ~~(7) Stabilizing and linking with community services.~~

14 ~~(8) Monitoring and followup.~~

15 ~~(9) Reassessments, as appropriate.~~

16 ~~(e) To the extent resources are available, each county shall~~
17 ~~provide emergency shelter in the form of a safe haven or in-home~~
18 ~~protection for victims. Shelter and care appropriate to the needs of~~
19 ~~the victim shall be provided for frail and disabled victims who are~~
20 ~~in need of assistance with activities of daily living.~~

21 ~~(f) Each county shall designate an adult protective services~~
22 ~~agency to establish and maintain multidisciplinary teams~~
23 ~~including, but not limited to, adult protective services, law~~
24 ~~enforcement, home health care agencies, hospitals, adult~~
25 ~~protective services staff, the public guardian, private community~~
26 ~~service agencies, public health agencies, and mental health~~
27 ~~agencies for the purpose of providing interagency treatment~~
28 ~~strategies.~~

29 ~~(g) Each county shall provide tangible support services, to the~~
30 ~~extent resources are available, which may include, but not be~~
31 ~~limited to, emergency food, clothing, repair or replacement of~~
32 ~~essential appliances, plumbing and electrical repair, blankets,~~
33 ~~linens, and other household goods, advocacy with utility~~
34 ~~companies, and emergency response units.~~